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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,531	02/07/2002	Hidenori Ishihara	NAKA:046	7843

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PARKHURST & WENDEL, L.L.P.
1421 PRINCE STREET
SUITE 210
ALEXANDRIA, VA 22314-2805

EXAMINER

DAVIS, OCTAVIA L

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/067,531

Applicant(s)
Ishihara et al

Examiner
Octavia Davis

Art Unit
2855



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 20) ☐ Other:

Serial Number: 10/067, 531

Art Unit: 2855

DETAILED ACTION

Inventorship

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors because it contains more than 20 pages. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 - 20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 28 of U.S. Patent No. 6,081,088. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims include a pressure sensor which is

provided along a moving body, a support means having a support portion, wherein the support portion has an accommodating portion and the pressure sensor is provided with an outer cover portion which is hollow.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 - 7, 9, 11 - 15, 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yaguchi.

Regarding claims 1, 5 and 6, Yaguchi discloses an opening/closing apparatus for a window or a door comprising a pressure sensor 3, 23a, which is directly or indirectly mounted to a movable body 2, at a lateral side of the body along an orthogonal direction with respect to a closing movement direction, the pressure sensor moving with the body and detecting a pressed reaction force effected from the object (See Cols. 4 and 8, lines 6 - 23 and 23 - 33).

Regarding claims 2 and 13, the detector 23a includes an outer cover portion 25

which is hollow and is formed of a synthetic resin material of which is elastically deformable, a plurality of wires are situated in an inner side of the outer cover portion and are in contact with each other and an accommodating portion 30a, 30b which has a rigidity higher than the outer cover portion, retains the portion 25 at a side opposite to the closing movement direction (See Col. 8, lines 42 - 51).

Regarding claim 3, the pressure sensor 23a is offset toward an inner side of the closing movement direction of the movable body 2 end portion and toward the closing movement end point (See Col. 8, lines 23 -23, See Figs. 7 and 8).

Regarding claims 4 and 15, the pressure sensor 23a is mounted to the body 2 in a state in which a gap 29 is formed between the pressure sensor and the closing movement direction end (See Fig. 8). .

Regarding claims 5 and 14, the accommodating portion 30a includes a recessed portion 29 which covers a part of the outer cover portion 25 and comprises a first end portion and a second end portion, the first end portion located at a forward position along the closing movement direction (See Col. 8, lines 51 - 56).

Regarding claim 7, the movable body 2 is a sliding door and the closed body is a wall (See Col. 1, lines 7 - 10).

Regarding claims 9 and 17, a flexible portion a, b is joined to the recessed portion of the accommodating portion 30a, 30b to accommodate the outer cover portion 25 an inner side of a structure in which the flexible portion is joined has a

catching hole and a gap exists between an inner portion of the catching hole and an outer portion of the outer cover portion (See Fig. 8).

Regarding claims 11 and 19, the pressure sensor 3, 23a detects catching of a foreign material situated between the tip end portion of the body and the vehicle wall (See Col. 4, lines 15 - 23).

Regarding claim 12, the closing movement direction of the body 2 is set to a direction which is leaned toward a vehicle transverse direction interior side with respect to the vehicle longitudinal direction, while the pressure sensor 3, 23a is set toward the vehicle interior side of the tip end portion of the body.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 10, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaguchi in view of Chardon.

Regarding claims 8, 10, 16 and 18, Yaguchi lacks a supporting device is integrally mounted to the body at a side opposite to the closing movement direction

of the pressure sensor and a retainer having a groove portion and a nipping portion which nips a tip end portion of the device. However, Chardon discloses an obstacle detector system comprising a movable body 502 integrally mounted to a support 506, the detector 505 including a flexible body 10 for receiving a plurality of strips 11, 12, 504, wherein when a pressure is exerted on the strips due to an obstacle interposed on the displacement path of body 502, and the resulting deformation of the flexible body 10 brings the strips into contact and alarm is generated thereby enabling the obstacle to be disengaged (See Cols. 8 and 9, lines 52 - 68 and 1 - 18, which also reads on claims 10 and 18, See Fig. 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yaguchi according to the teachings of Chardon for the purpose of, providing an obstacle detector system which is reliable, robust, cheap and which is also suitable for rapid connection to an arbitrary length of a detector device while simultaneously ensuring that the system is sealed (See Col. 1, lines 49 - 54).

8. Any inquiry concerning this communication should be directed to Examiner Octavia Davis at telephone number (703) 306 - 5896. The examiner can normally be reached on Monday - Thursdays (9:00 - 5:00), Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on (703) 305 - 4816. The fax phone number for the organization where this application or


proceeding is assigned is (703) 746 - 4409.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 - 0956.



OD/2855

5/6/03



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